

Report Date: November 5, 2020

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 05, 2020**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Dan Elliott Ochs

Case Number: 0980 2:11CR00026-WFN-1

Address of Offender:

Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: October 26, 2011

Original Offense: Possession of Child Pornography, 18 U.S.C. § 2252A(a)(5)(B)

Original Sentence: Prison - 120 months;
TSR - Life

Type of Supervision: Supervised Release

Asst. U.S. Attorney: James A. Goeke

Date Supervision Commenced: July 19, 2019

Defense Attorney: Federal Defenders Office

Date Supervision Expires: Life

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/9/2020, and 10/23/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition #26: You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other media that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). Neither shall you enter any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. You shall not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, and credit cards.

Supporting Evidence: The offender is alleged to have violated special condition number 26, by accessing sexually explicit material on October 24 and 31, 2020.

On July 19, 2019, the offender reported to the U.S. Probation Office for his scheduled intake appointment. At that time, his conditions of supervision were reviewed and he signed said conditions acknowledging he understood his requirements. Specifically, he was made aware by his supervising officer that he was prohibited from accessing sexually explicit material.

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On October 29, 2020, the undersigned officer reviewed the offender's weekly Covenant Eyes report, which identified one concerning screen shot viewed on October 24, 2020. Upon further inspection, the probation officer discovered the image depicted a female exposing one of her bare breasts.

On October 29, 2020, the probation officer contacted Mr. Ochs to address the above-referenced image, at which time he admitted to viewing the image on a dating website. He further stated he has decided to take the "easy road" because he is confident he will be returning to prison due to his pending violations.

On November 4, 2020, the undersigned officer reviewed the offender's weekly Covenant Eyes report, which identified several concerning screen shots viewed on October 31, 2020. Upon reviewing the images, the probation officer identified six images that depicted sexually explicit material. Specifically, three images depicted nude females, and three additional images depicted a female's bare breasts.

The aforementioned Covenant Eyes report also included several random screen shots taken from Mr. Ochs' phone. Upon further review, the probation officer identified one additional image that was sexually explicit. Specifically, on October 31, 2020, the offender viewed an image of a female's bare breasts.

On November 4, 2020, the probation officer contacted Mr. Ochs to address the aforementioned images. He admitted to viewing the images; however, he explained those images had been previously saved on his phone. He stated he accessed the images because he was in the process of deleting them from his device. He further indicated he is trying to "get on the right track."

6 **Special Condition #21:** You shall participate and successfully complete an approved state-certified sex offender treatment program. You shall follow all lifestyle restrictions and treatment requirements of the program. You shall participate in special testing in the form of polygraphs, in order to measure compliance with the treatment program requirements. You must allow reciprocal release of information between the supervising officer and the treatment provider. You shall pay for treatment and testing according to your ability.

Supporting Evidence: The offender is alleged to have violated special condition number 21, by violating his sex offender treatment contract on October 24 and 31, 2020.

On July 19, 2019, the offender reported to the U.S. Probation Office for his scheduled intake appointment. At that time, his conditions of supervision were reviewed and he signed said conditions acknowledging he understood his requirements. Specifically, he was made aware by his supervising officer that he must abide by the requirements of his sex offender treatment program.

As previously noted, Mr. Ochs admitted to viewing sexually explicit images on October 24 and 31, 2020. On November 4, 2020, the undersigned contacted his sex offender therapist, Priscilla Hannon, who advised the above-referenced behavior constitutes a violation of his treatment contract.

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The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 5, 2020

s/ Lori Cross

Lori Cross
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/05/2020

Date